

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2012-29-C

March 8, 2012

IN RE: Petition of the Office of Regulatory Staff for)	
Commission to Order a Rule to Show Cause)	MOTION FOR
as to Why the Certificates of Public)	DEFAULT JUDGMENT
Convenience and Necessity of DialTone &)	FOR FAILURE TO
More, Incorporated Should Not Be Revoked)	ANSWER
for Failure to Pay Into the USF)	

The Office of Regulatory Staff (“ORS”) pursuant to 26 S.C. Code Ann. Regs. §103-830 (Supp. 2011) and Rule 55 of the South Carolina Rules of Civil Procedure files this Motion for Default Judgment based on Respondent’s failure to answer.

In support of its Motion, ORS provides as follows:

1. The Public Service Commission of South Carolina (the “Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 *et seq.* (Supp. 2011).

2. The South Carolina Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, *et seq.* (Supp. 2011).

3. DialTone & More, Inc., (the “Company”) is a certificated “telephone utility” as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons and corporations, their

lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

4. The Company is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 *et seq.* (1976 & Supp. 2011).¹

5. On January 11, 2012, ORS filed a Petition for the Commission to order a Rule to Show Cause as to why the Certificates of Public Convenience and Necessity of DialTone & More, Incorporated should not be revoked for failure to pay into the Universal Service Fund.

6. On January 24, 2012, the Commission issued a thirty (30) day notice instructing the Company to file an Answer to the ORS Petition with the Commission and to serve a copy of such Answer on ORS. The thirty (30) day notice advised Respondent that if an Answer was not filed within thirty (30) days after service, exclusive of the day of service, ORS would be permitted to apply to the Commission for the relief demanded in the Petition.

7. The thirty (30) day deadline for filing an Answer set in the Commission Notice of January 24, 2012 has since passed and Respondent has failed to file any form of responsive pleading to the ORS Petition. Pursuant to Rule 55(a) of the S.C. Rules of Civil Procedure, “when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default upon the calendar.”


8. 26 S.C. Code Ann. Regs. §103-830 (Supp. 2011) provides that “any defendant failing to file its answer within such period [30 days], unless an extension of time is granted, shall be deemed in default and all relevant facts stated in such complaint may be deemed

¹ The Company was granted certificates of public convenience and necessity in docket numbers 1998-50-C and 2005-123-C, Order Nos. 1998-394 and 2005-455.

admitted.” An extension of time for filing an Answer has not been requested or granted in this Docket. Therefore, ORS requests that the Commission enter an Order for Default Judgment, prior to the April 4, 2012 hearing date, in this case.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Enter an Order, prior to the April 4, 2012 hearing date, finding that the Respondent is in default in this matter and granting the relief demanded in the ORS Petition; and
2. For other appropriate action which the Commission may deem necessary.


Nanette S. Edwards, Esquire
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Columbia, South Carolina 29201
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March 8, 2012
Columbia, South Carolina


BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2012-29-C

IN RE: Petition of the Office of Regulatory Staff for)
Commission to Order a Rule to Show Cause)
as to Why the Certificates of Public) **CERTIFICATE OF**
Convenience and Necessity of DialTone &) **SERVICE**
More, Incorporated Should Not Be Revoked)
for Failure to Pay Into the USF)

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **MOTION FOR DEFAULT JUDGMENT** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

DialTone & More, Incorporated
6905 North Wickham Road, Suite 403
Melbourne, FL 32940

National Registration Agents, Inc.
Registered Agent for DialTone & More, Inc.
2 Office Park Ct., Suite 103
Columbia, SC 29223


Faith E. Shehane

March 8, 2012
Columbia, South Carolina